



AUG 12 2016

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON
DEPUTY

Robert John Preston
(Name of Plaintiff)

VS.

Deputy Ryan Boyer ^{Badge} #1538C
Captain Jeffery Miller

(Names of Defendant(s))

16 CV 1106 JCC-MAT
AMENDED
CIVIL RIGHTS COMPLAINT
BY A PRISONER UNDER 42
U.S.C. § 1983

I. Previous Lawsuits:

A. Have you brought any other lawsuits in any federal court in the United States while a prisoner?:

☒ Yes ☐ No

B. If your answer to A is yes, how many?: 1. Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff: Robert John Preston

Defendants: Dave Oster

2. Court (give name of District): U.S District Court - Seattle
3. Docket Number: 3 not available to me at this time.
4. Name of judge to whom case was assigned: not available to me at this time.
5. Disposition (For example: Was the case dismissed as frivolous or for failure to state a claim? Was it appealed? Is it still pending?):
It was dismissed because of a time and address
6. Approximate date of filing lawsuit: Oct. 2014
7. Approximate date of disposition: July, 2015

II. Place of Present Confinement: Washington State Penitentiary

- A. Is there a prisoner grievance procedure available at this institution? ☒ Yes ☐ No
- B. Have you filed any grievances concerning the facts relating to this complaint?
☐ Yes ☒ No

If your answer is NO, explain why not:

Because this is a civil complaint that occurred to me when I was (not) incarcerated.

- C. Is the grievance process completed? ☐ Yes ☐ No

If your answer is YES, ATTACH A COPY OF THE FINAL GRIEVANCE RESOLUTION for any grievance concerning facts relating to this case.

III. Parties to this Complaint

A. Name of Plaintiff: Robert John Preston Inmate No.: 935915
Washington State Penitentiary
 Address: 1313 North 13th Avenue
Walla Walla, WA 99362

(In Item B below, place the full name of the defendant, his/her official position, and his/her place of employment. Use item C for the names, positions and places of employment of any additional defendants. Attach additional sheets if necessary.)

B. Defendant: Deputy RYAN Boyer ^{Badett#} 1538 Official Position: Snohomish County
Sheriffs Deputy
 Place of employment: Snohomish County Sheriffs Dept.
(South Precinct)
Mill Creek, WA

C. Additional defendants Captain Jeffery Miller (Snohomish County Sheriff's Department)

IV. Statement of Claim

(State here as briefly as possible the facts of your case. Describe how each defendant is involved, including dates, places, and other persons involved. Do not give any legal arguments or cite any cases or statutes. If you allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.)

See Attached

Paper Next Page 6

and up.

V. Relief

(State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.)

- ① to be awarded the amount of \$71,000 for the cost of my current outstanding hospital bills related to this assault on me.
- ② \$750,000 punitive damages caused by the officers assault perminate mental problem and perminate physical disfigurement of my face and body parts.
- ③ To be awarded and covered for any attorney and court cost and future medical cost related to any ongoing medical problems that accured from the assault done to me by these officers.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 7th day of August 20 16.

Robert John Preston
(signature of Plaintiff)

V. Statement of Claim ✕

I, Robert John Preston believe my 4th, 5th, 8th and 14th Constitutional rights were violated when on 7-30-14 around 1pm at the 112th St Park-N-Ride located in Everett, WA. I, was the victim of an Excessive Force police assault by Snohomish County Sheriffs Deputy Ryan Boyer #1538 and also responsible in part is the first responder to the scene and also Deputy Boyer's superior Captain Jeffery Miller who witnessed part of (Deputy Boyer's) assault on me and did nothing to stop his attack on me. Even in Captain Miller's report he claims to pull up and witnessed (Deputy Boyer) kicking me to my side and flailing my arms to the side. He tried to call this a resistance which was later confirmed upon the paramedics arrival to be a seizure I was having at the time from the brutal assault done to me by (Deputy Boyer) leaving me hospitalized in a Glasgow 7 Coma. Minutes before (Capt. Miller) arrived myself and (Deputy Boyer) were next to his patrol vehicle with (Deputy Boyer) at the back of his vehicle and me in the middle towards the front of it, (Deputy Boyer) pulled out a taser and I was shot with it. I pulled the prongs out of stomach area and turn and ran away from (Boyer) who said at the time he believed that I had \$55,000 in felony warrants for property crimes out of Skagit County. I ran away from (Boyer) and was about 20ft away when I was again shot in the back by (Boyer) with his taser gun again I locked up and fell to my knees. I was immediately kicked in the back by (Boyer) which sent me sliding forward to the right side of my body, this caused road rash scars to my right wrist and arm area. I ~~was~~ also slightly scraped my chin on the ruff road at the same time. (Deputy Boyer) then jumped on my back and started to beat me to the back of the head with the butt of his taser gun causing hospital noted puncture wounds to the back of my head and partially severing my right ear from my skull. (Deputy Boyer) refered to this in his reports as compliance strikes. (Boyer) then as I lay bleeding on the pavement on my stomach got up and yelled something and kicked me above my ~~right~~ Right eye causing my forehead to open up 3" to 4" and start bleeding immediately. I was then kicked a second time by (Boyer) this impact kick broke my nose and split both my top and lower lip apart and snapping one of my front teeth. This last impact kick to the face caused me to blackout and go into a seizure. From the two broken ribs and collapsed lung on my right side I can take it that happened when (Capt. Miller) was there and as he put into his report as seeing (Boyer) kicking me to the side of my body and me flailing my arms to the side. I was at this time having a seizure and that is why I couldn't comply with any orders at that time. I woke up two days later in ICU in Providence Hospital in Everett, WA. The Snohomish County Sheriffs left me there as a John Doe and per the hospital records when contacted by the nursing staff to find out who I was the Snohomish County Sheriffs department never called or contacted the hospital back. In fact the police reports will show that (Boyer) never even followed the medical ambulance to the hospital but sent other officers who knew nothing about what happened between me and (Boyer). Instead (Boyer) returned back to the Sheriffs office to complete reports. \$55,000 worth of warrants for my arrest were put back into the ~~computer~~ system as unconfirmed and the deputies then took my bloody clothes and left me in the hospital as a John Doe. I was released after 10 days on bed rest and have since had blood clots in which I take 12.5mg of Warphren blood thinner and have partial vision lose. I have continuous knee problems. I have perminate facial scarring. I have bad dreams and major paranoid effects when people are behind me. I have over \$70,000 in outstanding medical bills. I will need oral surgery to help to fix the tooth that has been snapped in half from the foot kick to the face by (Deputy Boyer). I have two emergency room visits since my assault by (Deputy Boyer) on me. I would like to also say Per (Boyer's) own Excessive Force report he says I was never assaultive towards him, he was never assaulted and I posed no threat to know one. I should of never been assaulted and treated as I was and should ~~not~~ have the scares and medical injuries I still have to live with the rest of my life.

Robert J. Preston 7-3-16

Robert John Preston's
Excessive Force Assault
by Snohomish County Sheriff Deputy
FACTS

On June 30th, 2014 I Robert John Preston had excessive force Assault done to me at the 112th street Park-n-Ride in Everett, WA. At approximately 1:05 pm Sheriffs Deputy RYAN Boyer Badge # C1538 of the Snohomish County Sheriffs Department after running away from him I was tased by him at which time I fell to my knees in the west side middle lane of the park-n-Ride. Deputy RYAN Boyer approached me from the backside with taser already activating an electric current into my body, Kicked me in the back. This lunged me forward causing me to jerk forward towards the pavement while still being shocked. I managed to put my right arm out to help soften my impact. By doing this it caused severe road rash scrapes to my right hand and wrist area. The scars are still heavy and visible to this day. As I then started to push my upper body up, Deputy Boyer jumped on my back and began to beat me in the back of the head with his taser gun in his hand. This caused an impact gash to the back of my head and also caused my right ear to tear off my scalp area and also a small tear at the top middle of my right ear. Deputy Boyer then got up yelling at me to place my hands behind my back. Blood from my Right ear that was torn in two places was running into my eyes.

Page 2

I ~~reached~~ ^{reached} my right arm up to wipe my face and at that point Deputy Boyer Kicked his foot into my forehead area causing a gash above my right eye and a second kick to my mouth area, knocking out my front tooth and tearing apart my upper and lower lip and knocking me unconscious. From that moment until I woke up in ICU on life support at Providence Hospital Colby Campus in Everett, WA. I at the time I woke up had been unconscious for over 1 day. If I was ever awake I have no memory of it. Once awake I remember being confused on where I was at first and also why all the machines were hooked to me. I could not really even talk for the first night. I remember looking at my patient wrist band on my left wrist and it saying John Doe OFA born 1-1-1890 and thinking this must be some kind of dream I was having.

I then thought about it and remember what Deputy Boyer had done to me. I thought it was weird that he was ~~arresting~~ ^{me} (Deputy Boyer) that is for \$55,000 in outstanding warrants and no Sheriffs were there and they left me as a John Doe when they knew who I was at the time. I later found out through the police reports that have a few lies in them by a couple of the Deputies, that no one wanted to stand by with a felon who was excessively assaulted by a Snohomish County Sheriff, not even Skagit

Page 3

County who also had the original warrant out on me wanted to come stay with me so my warrants were put into the system and I was left unconscious at the hospital as a John Doe. On or about 8-1-14 a nurse started to ask me who I was, I couldn't talk well and started to tell her what happened, when she told me the police said they tased me and I fell. I stopped her then and told her that I was beat up by one police officer and at the time I didn't know his name only that he was a Snohomish County Sheriff who accused me of stealing a bike that I did not take or have ever been charged with taking. The nurse then asked me my name, ~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

I still remained a John Doe until the day of my discharge on 8-5-14 7 days after I was first brought to the hospital. Then a nurse ~~_____~~ asked where I needed to go. I informed her of my address at the time in Edmonds, WA and she ordered a cabulance to take me there and drop me off. I was then discharged and was taken home. Everyone seen my face when I got home and they were devastated at all stitches and damage

Page 4

that I had sustained to my face, ear, tooth being knocked out, the broken nose, gash over my right eye, my two lips upper and lower stitched together, the two broken ribs and being hard for me to breathe because the pneumonia that accrued to me while in the hospital. I also suffered some damage to my right knee. I then learned over a year later that Deputy Boyer didn't even follow the ambulance to the hospital went back as he said to the station to write the report and found out later that, I wasn't going to die and had the other deputies leave me as a John Doe at the hospital and ~~rem~~ unconfirmed my warrants and put them back into the system. Probably hoping I would forget all about him and what he did to me that July 30th, 2014 summer afternoon. At no time during the event of my arrest did I attempt or try to assault Deputy Boyer. Even in his own words in his reports does he say I tried to harm him in any way. The only thing he says is I was trying to get up. He should of said I was trying to regain consciousness after being pounded in the back and side of my head, then kicked in the face by deputy Boyer until I was unconscious and never regained consciousness until over a day later. Deputy Boyer Also caused for me to have a massive seizure as diagnose by the doctors at Providence Hospital Colby Campus. Deputy Boyer's use of force sheet that he filled out also,

Page 5

Clears me of Any threat or attempt to assault him when he checks 3 no's on the sheet with a no for suspect assaulted deputy with and without a weapon and did the deputy get any injuries in which he also checked no. Then at the bottom of that same sheet he admits to doing nothing but tasing me, hitting me in the head with the taser gun twice and kicking me 3-4 times.

Then Captain Jeffrey Miller Claims to have arrived to assist Deputy Boyer first and that he observed Deputy Boyer kicking me on the side of my body twice. This was after he kicked me unconscious in the face. Captain Miller also Claims he saw me rolling back and fourth flailing my arm. This was probably the time I was having my Seizure. Then the Captain Claims to assist Deputy Boyer by holding my legs and then he claims I gave him my arms all while being unconscious and having a Seizure. Then Captain Miller Claims that Deputy Boyer then put cuffs on me and I had blood all over my head, face and arms. This Captain Miller Claims he did at 1306 hrs. Deputy LM Zelaya's report with the same time of 1306 hrs and says he see's only Deputy Boyer holding me against the ground. Deputy Zelaya also states my face was bloodied and I was in and out of consciousness. He mentions nothing about Captain Miller & Deputy Boyer being there together with me only Deputy Boyer and that he was holding me against the ground. Then Deputy Boyer

Page 6

told him I fell after he tased me. Really so in the medical records where all my injuries to the back and side of my head are impact injuries that's from falling. Well we were on road asphalt and my face would have road rash type scars like my right hand and wrist do when I caught myself after Deputy Boxer kicked me in the back after I went to my knees after he tased me. I received a gash cut over my right eye and a break in my nose close to the same area from an impact kick with Deputy Boxers right foot. The second kick to the face was also damaging when it broke off my front left tooth and split and tore both my upper and lower lips. Again there is no road rash scarring. There is only clean impact ~~scarring~~ scarring on my face, no road rash injury scarring like on my right hand and wrist. All the attached police reports are all backed up by what I have written as the truth. All the medical records of my injuries and the notes recorded by the events between me and them in the hospital, will show I am also telling the truth. The Snohomish County Sheriff's department after finding out that I wasn't going to die admit they put my \$55,000 in warrants back into the system, left their post with me at the hospital while taking all my clothes and property and not even informing the hospital who I really was and left me as a John Doe B.D 1-1-1890 124 yrs old. This is a sick joke in my mind. Then the hospital even called and left messages

Page 7

for Deputy LM Zelaya to contact them at the hospital to find out my identity, he also failed to get back to them. This seemed to be like he didn't want to be involved with this anymore otherwise I would assume he would of gotten back to the hospital's request. The hospital records Attached also confirm this to be the truth. The pictures Attached will also confirm the truth to my story. There is no way possible Deputy Boyers version of that I was tased locked up in a run like he has stated in his report. Fell to the ground on my face and have all impact gashes that are clean tears to my face, my right ear torn in two places and impact gashes to the back of my head and receive no road rash at all to my face on the road asphalt ~~as~~ were it happened. But then my right hand and wrist area still carry the road rash scars in which I have already stated happened from the kneeling position after Deputy Boyers kick to my back sending forward towards the road. So if I was running and went face first into the asphalt my whole face should be full of road rash scars. It is kind of strange that I have 0 road rash to any part of my face or head area. I was excessively beaten by Deputy Boyer no one but him claims I fell after being tased and received all the damage from one standing level fall as claimed by

Page 8

Deputy Boyer. That was the story given by Deputies at the hospital. The only one that was there except for me was Deputy Boyer who didn't even continue with his arrest and follow the ambulance to the hospital. So everything at the hospital was second hand of deputies who weren't even there when the assault of me by Deputy Boyer took place. Where was Deputy Boyer while the emergency Doctors at Providence Hospital, fought to keep me alive after respiratory failure. Back at the station filling out a report trying to explain how he could explain my severe beating by using one fall to cover all the broken bones and damage all over my body. Deputy Boyer has caused me over \$10,665.85 in hospital bills and perminate disfigurement to my face and also life time Scaring, I now have nightmare, migraine headaches that I take ~~the~~ medicine to ease daily. I have since also gotten a blood clot in my leg that I take War Phren Blood thinner for. My vision is now perminatly impaired and need to have the use of glasses. I never have had to use glasses before the assault. I have been having reaccuring Knee pain in my right Knee in which I now receive Cordezone Shots for. My front tooth is still snapped in half and will need to be fixed also one day. I didn't deserve this assault by Deputy Boyer and I now deserve some justice and Compensation for all my losses and hospital bills that I owe. Robert And. D. 11-15-16

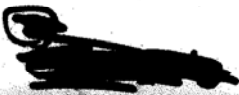
Robert Preston #935915 B-9-4
Washington State Penitentiary
13 North 13th Avenue
alla Walla, WA 99362

FILED
RECEIVED
MAIL
AUG 12 2016
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON
DEPUTY



TO: United States District
Court Clerk
700 Stewart Street
Seattle, WA 98101
(Suite 2018)

EGAL MAIL



9/0 Potowmack #76.3

WHEEL